

LOBBYING 101

The Basics of Lobbying in Georgia

Who is a Lobbyist?

See O.C.G.A. § 21-5-70(5)

1. Someone who receives or anticipates receiving more than \$250.00 per calendar year in compensation or reimbursement or payment of expenses specifically for undertaking to promote or oppose the passage of any legislation by the General Assembly, or any committee of either chamber or a joint committee thereof, or the approval or veto of legislation by the Governor;
2. Someone who makes a lobbying expenditure of more than \$1,000.00 in a calendar year, not including the person's own travel, food, lodging expenses, or informational material, to promote or oppose the passage of any legislation by the General Assembly, or any committee of either chamber or a joint committee thereof, or the approval or veto of legislation by the Governor

Who is a Lobbyist? Cont.

See O.C.G.A. § 21-5-70(5)

3. Someone who is compensated specifically for undertaking to promote or oppose the passage of any ordinance or resolution by a county or municipal public officer or any committee of such public officers, or the approval or veto of any such ordinance or resolution;
4. Someone who makes a lobbying expenditure of more than \$1,000.00 in a calendar year, not including the person's own travel, food, lodging expenses, or informational material, to promote or oppose the passage of any ordinance or resolution by a county or municipal public officer or any committee of such public officers, or the approval or veto of any such ordinance or resolution;

Who is a Lobbyist? Cont.

See O.C.G.A. § 21-5-70(5)

5. Someone who, for compensation, is hired specifically to undertake influencing a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency but does not include any employee or independent contractor of the vendor solely on the basis that such employee or independent contractor participates in soliciting a bid or in preparing a written bid, written proposal, or other document relating to a potential sale to a state agency and shall not include a bona fide salesperson who sells to or contracts with a state agency for goods or services

Who is a Lobbyist? Cont.

See O.C.G.A. § 21-5-70(5)

6. Someone who is compensated specifically for undertaking to promote or oppose the passage of any rule or regulation of any state agency
7. Someone is compensated specifically for undertaking to promote or oppose any matter before the State Transportation Board
8. Someone who makes a lobbying expenditure of more than \$1,000.00 in a calendar year, not including the person's own travel, food, lodging expenses, or informational material, to promote or oppose any matter before the State Transportation Board.

REGISTRATION & REPORTING

O.C.G.A. §§ 21-5-71; 21-5-73

Lobbying Levels

- State
- Local
- State Agency
- Vendor
- State Transportation Board
- Executive Branch Employee

Registration

- Prior to lobbying, a lobbyist must register with the Commission
- Registration includes:
 - Felony verification
 - Lobbyist's name, address, telephone number, email address
 - Name, address, telephone number of the person or agency that authorizes the lobbyist to lobby on its behalf
 - General business purpose of the agency
 - If membership group, the general purpose and approx. number members
 - An signed authorizing statement
 - If lobbying before state agency, name of the state agency
- Registration is good for a calendar year. Expires December 31st

Lobbyists Exempt from Registration

- See § 21-5-71(i)(1-7)

1. Any individual who communicates personal views, interests, or professional opinions on that individual's own behalf, to any public officer
2. An employee or independent contractor of a vendor who solely participates in soliciting a bid or in preparing a written bid, written proposal, or other document relating to a potential contract with a state or local government agency or a bona fide salesperson who sells to or contracts with a state or local government agency for goods or services, is not hired specifically to undertake influencing a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency, and does not engage in other activities which would make such person a lobbyist

Lobbyists Exempt from Registration Cont.

3. Any person who is invited by a public agency or governmental entity to appear before a committee or at a hearing of such agency or entity, including but not limited to a committee of either chamber of the General Assembly or a joint committee thereof, for the purpose of giving testimony so long as such person clearly identifies himself or herself and the interested party on whose behalf he or she is testifying
4. Any person who is invited to furnish information upon the specific request of a public agency or governmental entity, including but not limited to a committee of either chamber of the General Assembly or a joint committee thereof, so long as such person clearly identifies himself or herself and the interested party on whose behalf he or she furnishes such information

Lobbyists Exempt from Registration Cont.

5. Any individual who is not compensated for the specific purpose of lobbying, does not incur more than \$250.00 per calendar year in reimbursable lobbying expenditures, and is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, religious, educational, or charitable association, foundation, or organization which employs or contracts with a registered lobbyist for the purpose of lobbying
6. Any licensed attorney appearing on behalf of or representing a client, and any staff employed by such attorney, when such attorney is not compensated for the specific purpose of lobbying
7. Any person employed or appointed by a lobbyist registered pursuant to this Code section whose duties and activities do not include lobbying

Lobbyists Exempt from Registration Cont.

8. Elected public officers or appointed public officials performing the official duties of their public office or position
9. Any employee of the executive or judicial branch of state government; provided, however, that when such an employee is acting on behalf of such government employer, meeting with or appearing before a public officer other than one from the same branch of government which employs such employee, and engaged in activity for which registration would otherwise be required under this Code section, such employee shall be required to display an identification card, issued by such employer, which shall have printed thereon the employee's name and the name of the employer
10. Any public employee, aide, or intern who performs services at the direction of a member of the General Assembly including, but not limited to, drafting petitions, bills, or resolutions; attending the taking of testimony; collating facts; preparing arguments and memorials and submitting them orally or in writing to a committee or member of the General Assembly; and other services of like character intended to reach the reason of the legislators

Reporting

- Reports filed by lobbyists shall be verified and shall include:
 - A description of all lobbying expenditures described in subparagraphs (D), (F), and (G) of paragraph (4.1) of Code Section 21-5-70, or the value thereof made on behalf of or for the benefit of a public officer or on behalf of or for the benefit of a public employee for the purpose of influencing a public officer by the lobbyist or employees of the lobbyist or by any person on whose behalf the lobbyist is registered if the lobbyist has actual knowledge of such lobbying expenditure. The description of each reported lobbying expenditure shall include:
 - (A) The name and title of the public officer or public employee or, if the lobbying expenditure is simultaneously incurred for an identifiable group of public officers or public employees the individual identification of whom would be impractical, a general description of that identifiable group;
 - (B) The amount, date, and description of the lobbying expenditure and a summary of all spending classified by category. Such categories shall include meals, lodging, travel, and tickets
 - (C) The aggregate lobbying expenditures described in subparagraph (D) of paragraph (4.1) of Code Section 21-5-70 incurred during the reporting period; provided, however, expenses for travel and for food, beverage, and lodging in connection therewith afforded a public officer or public employee shall be reported in the same manner as under subparagraphs (A), (B), and (D) of this paragraph
 - (D) If applicable, the number of the bill, resolution, ordinance, or regulation pending before the governmental entity in support of or opposition to which the lobbying expenditure was made; and
 - (E) If applicable, the rule or regulation number or description of the rule or regulation pending before the state agency in support of or opposition to which the lobbying expenditure was made

Reporting

- For those who are required to register under this article and lobby to influence a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency, the name of any vendor or vendors for which the lobbyist undertook to influence the awarding of a contract or contracts by any state agency together with a description of the contract or contracts and the monetary amount of the contract or contracts
- For those who are required to register under this article and lobby to promote or oppose the passage of any rule or regulation of any state agency, the name of the individual or entity for which the lobbyist undertook to influence the rule or regulation of a state agency

Reporting Schedule

- Can be found online
<http://media.ethics.ga.gov/schedules/lobbyistSchedule2011.aspx>
- 3 day grace period
- State- During Session on the 1st and 15th of each month, 5th of each month rest of year
- Local- by the 5th of May, September, and January
- State Agency- by the 5th of each month
- State Transportation- by the 5th of each month
- Vendor- by the 5th of each month

Lobbyist Disclosure Report Late Fees

When the General Assembly IS NOT IN SESSION		
<i>Item</i>	<i>Late Fee</i>	<i>Total Owed to Commission</i>
Late fee for each report filed late	\$275.00	\$275.00 per report <i>Please make your check payable to the Campaign Finance Commission</i>
Late fee imposed on the 15th day after the report due date	\$1,000.00	\$1,275.00 per report <i>Please make your check payable to the Campaign Finance Commission</i>
Late fee imposed on the 45th day after the report due date	\$10,000.00	\$11,275.00 per report <i>Please make your check payable to the Campaign Finance Commission</i>

Lobbyist Disclosure Report Late Fees

When the General Assembly IS IN SESSION		
Item	Late Fee	Total Owed to Commission
Late fee for each report filed late	\$275.00	\$275.00 per report <i>Please make your check payable to the Campaign Finance Commission</i>
Late fee imposed on the 7th day after the report due date	\$1,000.00	\$1,275.00 per report <i>Please make your check payable to the Campaign Finance Commission</i>
Late fee imposed on the 21st day after the report due date	\$10,000.00	\$11,275.00 per report <i>Please make your check payable to the Campaign Finance Commission</i>

IMPERMISSIBLE EXPENDITURES

O.C.G.A. § 21-5-70(1)(A-D)

Impermissible Expenditures

- Means a purchase, payment, distribution, loan, advance, deposit, or conveyance of money or anything of value made for the purpose of influencing the actions of any public officer specifically including any such transaction which is made on behalf of or for the benefit of a public employee for the purpose of influencing a public officer
- Includes any other form of payment when such can be reasonably construed as designed to encourage or influence a public officer
- Includes reimbursement or payment of expenses exceeding \$75.00 provided to a public officer from any individual lobbyist for transportation, travel, lodging, registration, food, and beverages

Impermissible Expenditures Cont.

- Includes any gratuitous transfer, payment, subscription, advance, or deposit of money, services, tickets for admission to athletic, sporting, recreational, musical concert, or other entertainment events, or anything of value, unless consideration of equal or greater than face value is received
- Includes reimbursement or payment of expenses for recreational or leisure activities

PERMISSIBLE EXPENDITURES

O.C.G.A. § 21-5-70(4.1)(A-G)

Permissible Expenditures

- Promotional items generally distributed to the general public or to public officers and food and beverages produced in Georgia;
- An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;
- Discounts, upgrades, memberships, or other accommodations extended by a business to a bona fide customer; or legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's nonpublic business, employment, trade, or profession;

Permissible Expenditures Cont.

- Food, beverages, and registration at group events to which all members of an agency, as defined in paragraph (1) of subsection (a) of Code Section 21-5-30.2, are invited. For purposes of this subparagraph, an agency shall also include the House of Representatives, the Senate, standing committees of such bodies, but not for more than one of such group events per committee per calendar year, caucuses of members of the majority or minority political parties of the House or Senate, other caucuses of the House and Senate as approved by the House Committee on Ethics or the Senate Ethics Committee, and the governing body of each political subdivision of this state;
- Campaign contributions or expenditures as defined by Code Section 21-5-3 and reported as required by Article 2 of this chapter;

Permissible Expenditures Cont.

- Reimbursement or payment of actual and reasonable expenses provided to a public officer and his or her necessary public employee staff members for such public officer's and staff members' individual transportation, lodging, travel, and registration for attending educational, informational, charitable, or civic meetings or conferences that are held at locations within the United States and directly relate to the official duties of that public officer or the office of that public officer, plus food and beverages for such public officer, his or her necessary public employee staff members, and spouse while attending such educational, informational, charitable, or civic meetings or conferences
- Anything which: (i) Does not qualify as a lobbying expenditure under subparagraphs (A) through (F) of this paragraph; and (ii) Would qualify as an expenditure under subparagraph (B.1) of paragraph (1) of this Code section except that it does not exceed the amount or value of \$75.00 per person

Miscellaneous Facts

- Must terminate to no longer be required to file reports.
- Must wear badge while on government property
- Contingent fees for lobbying prohibited
- Waiting period for public officers of one year before registering as a lobbyist or engaging in lobbying
- Lobbyist is not eligible for executive appointment to any board, authority, commission or bureau which regulates the activities of a business, firm, corporation, or agency that the lobbyist represented until one year after the expiration of the lobbyist's registration for that business, firm, corporation, or agency.
- Any person failing to comply with or violating any of the provisions of this article shall be subject to a civil penalty not to exceed \$2,000.00 per violation